

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JENNIFER VANDERSTOK *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States *et al.*,

Defendants.

Case No. 4:22-cv-00691-O

**DEFENDANTS' ANSWER TO BLACKHAWK MANUFACTURING
GROUP INC. d/b/a 80 PERCENT ARMS' COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendants Merrick Garland, in his official capacity as Attorney General of the United States; Steven Dettelbach, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in his official capacity; the United States Department of Justice; and ATF (collectively, Defendants), hereby answer Intervenor Plaintiff BlackHawk Manufacturing Group Incorporated's Complaint in Intervention, ECF No. 99, as follows.

1. This paragraph consists of Intervenor Plaintiff's characterization of this action, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

3. The allegations in this paragraph are denied, except to admit that in some prior postings on ATF's website, in some prior classification determinations, and in some prior case filings,

ATF has taken the legal position that receiver blanks that do not meet the definition of a “firearm” under the Gun Control Act of 1968 (GCA) are not subject to regulation under that Act.

4. This paragraph consists of Intervenor Plaintiff’s characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

5. The allegations in this paragraph are denied, except to admit that President Biden’s 2020 presidential campaign platform included supporting legislation regarding “ghost guns.”

6. The allegations in this paragraph are denied.

7. The allegations in the first sentence are denied. The allegations in the second sentence consist of legal conclusions, to which no response is required; to the extent a response is deemed required, the allegations in this sentence are denied.

8. This paragraph consists of Intervenor Plaintiff’s characterization of a statute and of Final Rule, Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24,652 (Apr. 26, 2022) (the Rule), and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

9. This paragraph consists of Intervenor Plaintiff’s characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

10. This paragraph consists of Intervenor Plaintiff’s characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed

required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

11. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

12. The first sentence consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required; to the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this sentence are denied. The second sentence consists of Intervenor Plaintiff's characterization of this action, to which no response is required; to the extent a response is deemed required, the allegations in this sentence are denied.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

14. Defendants admit that Defendant Merrick Garland is the Attorney General of the United States, that the Attorney General is head of the United States Department of Justice (DOJ), and that ATF is a component of DOJ.

15. Defendants admit that DOJ is responsible for administering and enforcing federal firearms laws, including the GCA and the National Firearms Act (NFA), and that DOJ's headquarters is located at 950 Pennsylvania Avenue, N.W., Washington D.C.

16. Defendants admit that Defendant Steven Dettelbach is the Director of ATF.

17. Defendants admit that ATF is a component of DOJ that administers and enforces federal firearms laws, including the GCA and the NFA, and that ATF's headquarters is located at 99 New York Avenue, N.E., Washington, D.C.

18. This paragraph consists of Intervenor Plaintiff's characterization of two statutes, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statutes for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

19. This paragraph consists of Intervenor Plaintiff's characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

20. This paragraph consists of Intervenor Plaintiff's characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

21. This paragraph consists of Intervenor Plaintiff's characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

22. This paragraph consists of Intervenor Plaintiff's characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

23. This paragraph consists of Intervenor Plaintiff's characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

24. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

25. The allegations in this paragraph are admitted.

26. This paragraph consists of Intervenor Plaintiff's characterization of a repealed regulation, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

27. This paragraph consists of Intervenor Plaintiff's characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

28. This paragraph consists of Intervenor Plaintiff's characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

29. This paragraph consists of Intervenor Plaintiff's characterization of a statute, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

30. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

31. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

32. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them, except to admit that many Americans make privately made firearms.

33. Defendants deny the allegations in the first sentence of this paragraph, except to admit that in common firearms industry parlance, a “receiver blank” is an unfinished component part of a weapon that requires the performance of certain machining or milling operations before it may become a functional firearm receiver. Defendants deny the allegations in the second and third sentences, except to admit that the term “80% receiver” is not a legal term.

34. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

35. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

36. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

37. This paragraph consists of Intervenor Plaintiff’s characterization of statutory provisions and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

38. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

39. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

40. This paragraph consists of Intervenor Plaintiff's characterization of ATF website pages, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website pages for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

41. This paragraph consists of Intervenor Plaintiff's characterization of an ATF website page, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website page for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

42. The allegations in this paragraph are denied, except to admit that for many years, ATF has acted on voluntary requests from persons by issuing determinations or "classifications" as to whether a particular item is a "firearm" or other regulated item under the NFA or the GCA.

43. The allegations in this paragraph are denied, except to admit that ATF's Firearms and Ammunition Technology Division is responsible for issuing determinations or "classifications" as to whether a particular item is a "firearm" or other regulated item under the NFA or the GCA.

44. This paragraph consists of Intervenor Plaintiff's characterization of an administrative record filed in a different case, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited record for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

45. This paragraph consists of Intervenor Plaintiff's characterization of briefs filed in two different cases, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited briefs for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

46. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

47. This paragraph consists of Intervenor Plaintiff's characterization of a presidential campaign website page, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website page for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

48. This paragraph consists of Intervenor Plaintiff's characterization of various congressional bills, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited bills for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

49. This allegations in this paragraph are denied.

50. This paragraph consists of Intervenor Plaintiff's characterization of a White House press release, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited press release for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

51. The allegations in the first sentence of this paragraph are admitted. The second sentence consists of Intervenor Plaintiff's characterization of a presidential speech, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited speech for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

52. The allegations in this paragraph consist of Intervenor Plaintiff's characterization of a speech by the Attorney General, and also consist of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the

cited speech for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

53. Defendants admit that on May 21, 2021, ATF issued Proposed Rule 2021R-05, “Definition of ‘Frame or Receiver’ and Identification of Firearms,” 86 Fed. Reg. 27,720 (Notice), which was signed on May 7, 2021 by Attorney General Merrick Garland.

54. The allegations in this paragraph consist of Intervenor Plaintiff’s characterization of a presidential speech, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited speech for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

55. The allegations in this paragraph are admitted.

56. The allegations in this paragraph consist of Intervenor Plaintiff’s characterization of a statutory provision, and also consist of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

57. This paragraph consists of Intervenor Plaintiff’s characterization of a prior version of a regulation, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

58. This paragraph consists of Intervenor Plaintiff’s characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

59. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

60. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

61. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

62. The allegations in this paragraph are denied, except to admit that in some prior classifications, ATF has determined that some receiver blanks are not "firearms" under federal law.

63. The allegations in this paragraph are denied, except to admit that ATF has defended in litigation some prior classifications in which the agency determined that some receiver blanks are not "firearms" under federal law.

64. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

65. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

66. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

67. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

68. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

69. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

70. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

71. This paragraph consists of Intervenor Plaintiff's characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

72. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

73. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

74. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

75. This paragraph consists of Intervenor Plaintiff's characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

76. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

77. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

78. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

79. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

80. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

81. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

82. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

83. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

84. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

85. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

86. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision and the prior version of a regulation, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

87. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

88. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

89. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

90. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

91. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

92. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

93. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

94. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

95. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

96. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

97. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

98. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

99. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

100. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

101. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

102. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

103. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

104. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

105. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

106. Defendants hereby incorporate by reference their responses to paragraphs 1-105.

107. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

108. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

109. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

110. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal

provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

111. Defendants hereby incorporate by reference their responses to paragraphs 1-110.

112. This paragraph consists of Intervenor Plaintiff's characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

113. This paragraph consists of Intervenor Plaintiff's characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

114. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

115. Defendants hereby incorporate by reference their responses to paragraphs 1-114.

116. This paragraph consists of Intervenor Plaintiff's characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

117. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

118. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

119. Defendants hereby incorporate by reference their responses to paragraphs 1-118.

120. This paragraph consists of Intervenor Plaintiff's characterization of an ATF website page, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website page for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

121. The allegations in this paragraph are denied, except to admit that in some prior classification determinations, ATF has taken the legal position that receiver blanks that do not meet the definition of a "firearm" under the GCA are not subject to regulation under that Act.

122. The allegations in this paragraph are denied, except to admit that in some prior classifications, ATF has determined that some receiver blanks are not "firearms" under federal law, and that ATF has defended these classifications in litigation.

123. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

124. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

125. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

126. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

127. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

128. Defendants hereby incorporate by reference their responses to paragraphs 1-126.

129. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

130. As to the first sentence of this paragraph, Defendants admit that during the ninety-day comment period for the Notice, ATF received over 290,000 public comments. The second sentence of this paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required; to the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this sentence are denied.

131. This paragraph consists of Intervenor Plaintiff's characterization of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

132. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

133. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

134. Defendants hereby incorporate by reference their responses to paragraphs 1-133.

135. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

136. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

137. Defendants hereby incorporate by reference their responses to paragraphs 1-136.

138. This paragraph consists of Intervenor Plaintiff's characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited constitutional provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

139. This paragraph consists of Intervenor Plaintiff's characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited constitutional provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

140. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

141. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

142. Defendants hereby incorporate by reference their responses to paragraphs 1-141.

143. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of a constitutional provision, and also consists of legal conclusions, to which no response is required. To

the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

144. Defendants hereby incorporate by reference their responses to paragraphs 1-143.

145. This paragraph consists of Intervenor Plaintiff's characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited constitutional provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

146. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

147. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

148. This paragraph consists of Intervenor Plaintiff's characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited constitutional provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

149. This paragraph consists of Intervenor Plaintiff's characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a

response is deemed required, Defendants respectfully refer the Court to the cited constitutional provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

150. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

151. This paragraph consists of Intervenor Plaintiff's characterization of the Rule and of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

152. Defendants hereby incorporate by reference their responses to paragraphs 1-151.

153. This paragraph consists of Intervenor Plaintiff's characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

154. This paragraph consists of Intervenor Plaintiff's characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

155. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

156. This paragraph consists of Intervenor Plaintiff's characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

The remainder of the complaint in intervention consists of a demand for relief, not allegations of fact to which a response is required. To the extent a response is deemed required, Defendants deny that Intervenor Plaintiff is entitled to the relief requested or any other relief whatsoever.

Defendants specifically deny each and any allegation of the complaint in intervention not otherwise expressly admitted, qualified, or denied in this Answer.

DATED: December 19, 2022

Respectfully submitted,

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/s/ Daniel Riess

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CERTIFICATE OF SERVICE

On December 19, 2022, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Daniel Riess